



## FULBRIGHT & JAWORSKI L.L.P.

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August 9, 2004

### CERTIFICATE OF MAILING 37 C.F.R. 1.8

I certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: MS MISSING PARTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

August 9, 2004

Date

  
Robert E. Hanson

### MS MISSING PARTS

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

RE: *U.S. Patent Application No. 10/804,570 entitled "PLANTS AND SEEDS OF CORN VARIETY I071535" – Donn P. Cummings*  
*Our reference: DEKA:328US*  
*Client reference: 34-63(51685)*

Sir:

Please find enclosed:

- (1) A Response to Notice of Incomplete Nonprovisional Application filed under 37 C.F.R. 1.53(b) mailed June 9, 2004;
- (2) Declaration;
- (3) Copy of Notice of Incomplete Nonprovisional Application filed under 37 C.F.R. 1.53(b);
- (4) Check in the amount of \$1610.00; and
- (5) A return postcard to acknowledge receipt of these materials. Please date stamp and mail this postcard.

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Commissioner for Patents  
August 9, 2004  
Page 2

If the check is inadvertently omitted, or the amount is insufficient, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included, the Commissioner is authorized to deduct or credit the appropriate fees from or to Fulbright & Jaworski Deposit Account No.: 50-1212/DEKA:328US.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'REH', written over a horizontal line.

Robert E. Hanson  
Reg. No. 42,628

REH/mar  
Encl.: as noted

Commissioner for Patents

August 9, 2004

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bcc: Mr. Tim Kain (w/encl.)  
Ms. Nancy M. Huelskamp (w/encl.)  
David L. Parker, Esq. (w/o encl.)



AUG 12 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

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| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/804,570         | 03/19/2004             | Donn P. Cummings      | DEKA:328US             |

CONFIRMATION NO. 7081

## FORMALITIES LETTER



\*OC000000012909424\*

32425  
 FULBRIGHT & JAWORSKI L.L.P.  
 600 CONGRESS AVE.  
 SUITE 2400  
 AUSTIN, TX 78701

Date Mailed: 06/09/2004

## NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)). Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." *Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).*
- The statutory basic filing fee is missing.  
*Applicant must submit \$ 530 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$530 for a Large Entity

08/13/2004 FFANAI2 00000050 10804570

01 FC:1001

770.00 OP

02 FC:1051

130.00 OP

03 FC:1201

602.00 OP

04 FC:1202

108.00 OP

- \$530 Statutory basic filing fee.

Replies should be mailed to: Mail Stop Missing Parts  
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P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice MUST be returned with the reply.*

AG

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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE